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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,044	06/15/2001	Marcus Boesinger	225/50036	5172

7590 03/15/2004
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EXAMINER

AUVE, GLENN ALLEN

ART UNIT	PAPER NUMBER
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2111

DATE MAILED: 03/15/2004

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/881,044

Applicant(s)

BOESINGER ET AL.

Examiner

Glenn A. Auve

Art Unit

2111

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1 and 4-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is rejected based on lack of positive antecedent basis of "the second network" on lines 7 and 8.

Claims 4-11 are rejected because they depend on claim 1.

Claim 4 is also rejected based on lack of positive antecedent basis of "the second network" on lines 2 and 7; "the component which is visible from outside the first network" on lines 3-4; "the component of the registering component" on line 4; "the external IP address" on line 6.

Claim 5 is also rejected based on lack of positive antecedent basis of "the configuration of the entire system" on line 3.

Claim 6 is also rejected based on lack of positive antecedent basis of "the addresses/address components" on line 2; and "the address information stored in a respective decentralized memory component" on lines 4-5.

Claim 7 is also rejected based on lack of positive antecedent basis of "the address copied by the centralized component" on lines 2-3; "the centralized component" on line 3; and "the relevant component" on line 4.

Claim 8 is also rejected based on lack of positive antecedent basis of "the data" on line 1.

Claim 10 is also rejected based on lack of positive antecedent basis of "the components and/or function groups" on lines 4-5.

Claim 11 is also rejected based on lack of positive antecedent basis of "the requesting component" on lines 1-2, and "the central list" on line 2. It is also not clear what is meant by "wherein IP address of the requesting component are interrogatable from the central list..." This does not make any grammatical sense.

Claim 12 is also rejected based on lack of positive antecedent basis of "the second network" on lines 2 and 7; "the component which is visible from outside the first network" on lines 3-4; "the component of the registering component" on line 4; "the external IP address" on line 6.

Claim 13 is also rejected based on lack of positive antecedent basis of "the configuration of the entire system" on line 3.

Claim 14 is also rejected based on lack of positive antecedent basis of "the addresses/address components" on line 2; and "the address information stored in a respective decentralized memory component" on lines 4-5.

Claim 15 is also rejected based on lack of positive antecedent basis of "the address copied by the centralized component" on lines 2-3; "the centralized component" on line 3; and "the relevant component" on line 4.

Claim 16 is also rejected based on lack of positive antecedent basis of "the data" on line 1.

Claim 17 is rejected because it depends on claim 16.

Claim 18 is also rejected based on lack of positive antecedent basis of "the components and/or function groups" on lines 4-5.

Claim 19 is also rejected based on lack of positive antecedent basis of "the requesting component" on lines 1-2, and "the central list" on line 2. It is also not clear what is meant by "wherein IP address of the requesting component are interrogatable from the central list..." This does not make any grammatical sense.

Claims 4-7, 10-15, and 18-19 contain so many antecedent basis and grammatical problems that they are difficult to evaluate. It appears as though the claims may have been directly translated from the original German.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by Kennedy et al., U.S. Pat. No. 6,377,825 B1.

As per claim 1, Kennedy et al. (Kennedy) shows addressing components of a first network in a databus system in a transport vehicle (fig.3,378), in which each component is assigned a first address for mutual communication within the network and the first addresses are stored in a central register, wherein at least one particular component of the first network communicates with another network, said one component, when dialling into the second network, is assigned a second address by the second network, and wherein, within the first network, addressing takes place on the basis of function-specific address components, identical

function blocks of the components being addressed via identical function-specific address components (throughout col.8, line 27 – col.9, line 54, wherein the components of the vehicle's systems have assigned addresses that are known by the interface 106 or 380, and the interface device uses those addresses to communicate with the vehicle devices; likewise the interface is assigned an IP address by a second network which uses that IP address to communicate with the vehicle while the interface uses the other information received via the second network to communicate with the vehicle components. Also each component with the same function is assigned the same address or port as noted in col.8). Kennedy shows all of the steps recited in claim 1.

As per claim 2, Kennedy shows addressing components of a first network, in a data bus system in a transport vehicle (fig.3,378), in which each component is assigned a first address for mutual communication within the network and the first addresses are stored in a central register, wherein external IP addresses are issued to components which are authorized on the basis of an entry in a configuration list in a centralized component, and wherein proof about the authorization is made via a main function block transmitted with a request (throughout col.8, line 27 – col.9, line 54, wherein the components of the vehicle's systems have assigned addresses that are known by the interface 106 or 380, and the interface device uses those addresses to communicate with the vehicle devices; likewise the interface is assigned an IP address by a second network which uses that IP address to communicate with the vehicle while the interface uses the other information received via the second network to communicate with the vehicle components). Kennedy shows all of the steps recited in claim 2.

As for claim 3, the argument for claim 2 applies. Kennedy also shows that the main function block is also transmitted from an interrogating component to the centralized component during the interrogation, and the IP address is formed from the main function block and other

address components of the interrogating component (cols. 8-9 as noted above). Kennedy shows all of the steps recited in claim 3.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 8,9,16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kennedy in view of the MOST Specification Framework Rev. 1.1.

As for claims 8 and 16, the arguments above for claims 1 and 2, respectively, apply. Kennedy shows communication between the internet and a vehicle's internal device network, however, does not specifically show that the data are transmitted via an optical bus. The MOST Specification shows a vehicle bus system which utilizes optical fibers to transfer data (at least in section 2.2). It would have been obvious to one of ordinary skill in the art to use an optical data bus as shown by the MOST Specification in the system of Kennedy to allow for high speed data transmission.

As for claims 9 and 17, the arguments above for claims 8 and 16, respectively, apply. Kennedy does not specifically show that the vehicle's internal device network is one of a so-called D2B or MOST databus. However, Kennedy does not appear to be tied to any one particular vehicle bus standard. The MOST Specification shows that MOST is a vehicle bus framework that is used by a collection of auto makers and other vehicle parts suppliers to gain a whole host of advantages as outlined at least in section 2.4. It would have been obvious to one of ordinary skill in the art at the time of the invention to use the MOST Specification in the system of Kennedy to make it compatible with the new MOST Specification which is used by many vehicle manufacturing companies.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The reference to Tran shows recording device addresses in a registry. The remaining references are related to allowing communication between the internet and a vehicle.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Glenn A. Auve whose telephone number is (703) 305-9638. The examiner can normally be reached on M-Th 8:00 AM-5:30 PM, every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart can be reached on (703) 305-4815. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Glenn A. Auve
Primary Examiner
Art Unit 2111

gaa
March 5, 2004